HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2798 OF 2005.

Shri Ramdas Narayan Jagtap. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent

Shri R.V.More, for applicant.

Shri K.V.Saste, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : MAY 5, 2005

P.C. :-

1. Heard the counsel for the parties. Perused the record.

2. The applicant has been arrested on 21st February, 2005 for the offence punishable under section 420 r/w 34 of the I.P.Code and Section 4,5 and 6 of Prize Cheats and Money Circulation Schemes (Banning) Act, 1978. The applicant has been extensively interrogated while he was in police custody and the evidence against the applicant is mainly documentary evidence, coupled with the fact that the learned APP on instruction states that even admitted handwriting and signature of the applicant has been obtained and his custodial

interrogation is not necessary. If the applicant is convicted for all the offences would be upto 7 years in respect of the relevant offences under Indian Penal Code.

3. Taking overall view of the matter, it is seen that the recovery of the relevant record has been made. The learned APP states that the amount in question has not been recovered from the applicant and the prime accused is still absconding. Recovery of the amount will have to be made from the prime accused, as the applicant, even if prosecution case is accepted, he was only agent and has passed the amount to the prime accused. Accordingly, this application succeeds on the following terms.

(A) The applicant is directed to be released on bail in connection with the C.R.No.9 of 2004, registered with Aundh Police Station, on executing personal bond in the sum of Rs.50,000/-(Rs.fifty thousand only) with one or two sureties in like amount.

(B) The applicant shall not influence prosecution witnesses nor tamper with any prosecution evidence, in any manner, whatsoever.

(C) The applicant shall report to the Investigating Officer as and when called upon.

(D) The applicant shall not leave the jurisdiction of Aundh Police Station, without prior intimation to the concerned police station.

(E) The applicant shall co-operate for early disposal of the trial, as condition for bail. In the event, the trial court is of the opinion that the applicant is responsible for delay for disposal of the trial, the same fact be recorded in roznama and that can be the basis for cancellation of bail.

4. Application is disposed of in the above terms.